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OCT 17 2003

Paper No. 18

In re Application of :
John E. Wilson : DECISION ON PETITION
Application No. 09/815,962 :
Filed: March 23, 2001 :
Attorney Docket No. 14460/04023 :

This is a decision on the petition filed on August 8, 2003 by which petitioner requests withdrawal of the holding that this application stands abandoned for failure to file a timely reply to the Office letter dated December 31, 2002. The duplicate petition filed by facsimile transmission on September 29, 2003 has been discarded. See 37 CFR 1.4(b). The petition is being considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that this application is not abandoned because a timely reply to the Office letter in question was in fact filed. Petitioner has supported this allegation by furnishing a copy of the reply and a copy of a filing receipt for the reply which shows that the reply was in fact received in the Office on March 10, 2003, within the time for reply set by the Office letter in question. From this evidence, it becomes clear that this application is not in fact abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on March 10, 2003.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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